

Court of Appeals, State of Michigan

ORDER

People of MI v Matthew Allen Mitchell

Docket No. 260489

LC No. 04-091509-FH

Patrick M. Meter
Presiding Judge

William C. Whitbeck, CJ

Donald S. Owens
Judges

The Court orders that the motion to remand under MCR 7.211(C)(1)(a) is DENIED for lack of merit in the ground presented because the Michigan Supreme Court and this Court have determined the holding in *Blakely v Washington*, 542 US 296 (2004) does not apply to the indeterminate sentencing system used by Michigan. *People v Claypool*, 470 Mich 715, 730 n 14; 684 NW2d 278 (2004); *People v Drohan*, 264 Mich App 77, 89 n 4; 689 NW2d 750 (2004), *lv gtd* 472 Mich 881; 693 NW2d 823 (2005).



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

AUG 31 2005

Date

Sandra Schultz Mengel
Chief Clerk